

## II. REMARKS

### A. Introduction

In this Office Action claims 1-39 are noted as pending, claims 8, 9, 11, 12, 14, 15, 17, 18, 20, 21, 24-27, 34, 35, 38 and 39 are allowed, claims 31 and 32 are noted as allowable if amended to address the §112 rejection noted below, and claims 1-7, 10, 16, 19, 22, 23, 28-33, 36 and 37 are rejected based on 35 U.S.C. §§ 112, 102 and/or 103.

In summary of this Response, claims 1, 22 and 30-32 are amended, and remarks are provided.

### B. Rejection of Claims Under 35 U.S.C. § 112

Claims 22 and 30-32 are rejected for including various indefinite recitations. This rejection has been attended to by amending claim 22 to correct antecedent bases. Claims 30-32 are amended to recite that the present invention includes "swaying arms each of which is supported at an outer end of each of the cylinder shafts, respectively, wherein said swaying arms support rear wheel axles."

In light of these amendments, it is respectfully submitted that the claims fully comply with Section 112, and that at least claims 31-32, which are not rejected based on prior art, are allowable.

### C. Rejection of Claims 1-4 and 7 Under 35 U.S.C. § 102(b)

These claims are rejected as being anticipated by Mabuchi, et al., U.S. Patent No. 4,197,672. The Action indicates that Mabuchi et al. discloses a motor mounted "in front of" a front wheel axle on a chassis for driving a front wheel. However, the drive motors of Mabuchi et al. are mounted co-axially on each of the front wheels. See, e.g., Col. 2, lines 42-45 and Col. 3, lines 32-39 and 48-50. The servo-motor (15), which is illustrated in front of the front wheel axle, is for controlling the traveling direction and is not for driving the wheels.

Further, the present invention is free from drawbacks Mabuchi et al. device suffers from. Because Mabuchi et al. uses two motors attached to the right and left wheels, respectively, when steering the front wheels of the toy vehicle, electricity consumption increases, and a large load be applied to the front wheel axle and related components, thereby reducing durability of these components.

Further, in particular regard to claim 7, Mabuchi et al. shows a motor fixedly mounted with the front wheels, and the entire combination (the driving block 8, the motors 2 and the wheels 1),

is integral and rotates together horizontally, as shown in Figs. 2 and 5. Mabuchi et al. teaches away from the use of devices such as universal joints. Col. 1, lines 43-48. However, in the invention recited by claim 7, there is used two spindles swingably supported by the right and left driven links, each of the two spindles being connected to the front wheel axle. Mabuchi et al. includes at least no such swingably mounted spindles and actually teaches away from such flexible joints.

D. Rejection of Claims Under 35 U.S.C. § 103

1. Dependent Claims 5, 28, 29 and 36

These claims are rejected as being made obvious by Mabuchi et al. and Wu et al.

For the following reasons, it is respectfully submitted that the present invention, as recited by amended claims 5, 28, 29 and 36, were not rendered obvious by the cited art.

Initially, as noted above, Mabuchi et al. fails to teach at least the non-coaxial relationship of the motor with the axle and the motor being in front of the axle, as recited in independent claim 1, from which these rejected claims ultimately depend. Wu et al. fails to compensate for the incomplete teaching of Mabuchi et al. at least in these regards, and fails to provide the means or the motivation for modifying Mabuchi et al. to arrive at the invention recited by these claims. As noted in the previous Response, Wu et al. does not even teach a motor in front of the axle, and it appears the Examiner agrees with this view, as Wu et al. is no longer relied upon for this proposition.

Moreover, each of dependent claims 5, 28, 29 and 36 recites additional limitations in combination with the features recited in claim 1. Wu et al. fails to teach such combinations, either alone or when combined with Mabuchi et al.

2. Dependent Claims 10, 13 and 16

Each of these claims is rejected is being made obvious by Mabuchi et al. and Tai-Cheng. For the following reasons, it is respectfully submitted that the present invention, as recited by these amended claims, were not rendered obvious by the cited art.

Each of the rejected claims depends from claim 7, and ultimately from independent 1. The above comments regarding the inability of Mabuchi et al. to teach significant features of claims 1 and 7 are expressly incorporated herein. Further, Tai-Cheng could not complete the lacking disclosure of Mabuchi et al. in these regards, and no attempt is made to apply Tai-Cheng in the Action in this capacity. For example, as noted in the prior Response, Tai-Cheng's motor is located at an end of the chassis opposite the front axle.

In addition, each of dependent claims 10, 13 and 16 recites additional limitations in

combination with the features recited in claims 1 and 7. Tai-Cheng fails to teach such combinations, either alone or when combined with Mabuchi et al.

3. Dependent Claims 19, 30 and 33

These claims are rejected again as being obvious based on the primary reference of Mabuchi et al. but this time with Belton.

Each of these claims depends ultimately from independent claim 1, and the comments above regarding the distinctions between claim 1 and Mabuchi et al. are expressly incorporated herein. Further, Belton lacks the type of structural teaching necessary to substitute for, and lacks the motivation for any such substitution, in Mabuchi et al. to arrive at the inventions recited by claims 19, 30 and 33.

4. Dependent Claims 22 and 23

Again, these claims are rejected based on Mabuchi et al. and D'Andrade et al. Applicant's position regarding the primary reference, in regard to the base claims 1 are set out above. Further, it is respectfully submitted that the secondary reference fails to render obvious either the base claim or these dependent claims, even if one of ordinary skill were to consider a combination thereof.

5. Dependent Claim 37

This claim, which also depends from claims 7/1, is rejected as obvious over the primary reference and Rudell et al.

It is noted that Japanese Patent Application No. 2003-037182, which is one of the priority applications of the present application, was filed on February 14, 2003, prior to the April 17, 2003 reference date of Rudell et al. Applicant intends to soon file an English translation of this priority document which is believed to fully support the claims herein under 35 U.S.C. Section 112. When this translation is filed, it is believed priority will be perfected and that Rudell et al. should be withdrawn as "prior art", i.e., is not applicable to the present invention. See 35 U.S.C. § 119(b) and 37 C.F.R. § 1.55(a).

Even if the reference were applicable prior art, it fails to either fill in the missing teachings of Mabuchi et al. or the additional features recited by dependent claim 37.

### III. CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that claims 1-39 are now in condition for allowance.

If there are any additional fees associated with this Response, please charge same to our Deposit Account No. 19-3935.

Serial No. 10/777,899

Finally, if there are any formal matters remaining after this Response, the undersigned would appreciate a telephone conference with the Examiner to attend to these matters.

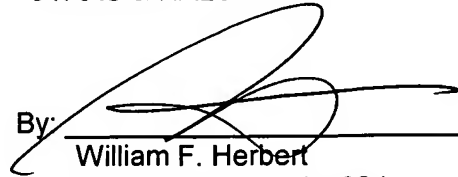
Respectfully submitted,

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